CHIEF SECRETARIAT

Dated 15—17th December 1945.

No. W. 1132—W. 1-45-27. The following Press Communiques and notifications of the Government of India are published for general information.

1. Commerce Department Press Communique dated the 10th November 1945.
2. Commerce Department Press Communique dated the 13th November 1945.
3. Defence Department Notification No. 43-DC—45, dated the 2nd November 1945.
4. Commerce Department Notification No. 93 (29)-ET. (A)—45, dated the 17th November 1945.

4042 V. VEDAVYASACHARYA, *Chief. Secy.*

PRESS COMMUNIQUE.

Private Trade with Italy and Finland.

In accordance with similar action taken by His Majesty's Government in the United Kingdom, the Government of India have authorised persons and concerns in British India to carry on private trade with Italy and Finland subject to the existing export, import and financial regulations in force in this country.

Commerce Department,
New Delhi, 10th November 1945.

PRESS COMMUNIQUE.

Status of Japan and Thailand under Enemy Trading and Enemy Property Regulations.

The Central Government have issued a notification under the Defence of India Rules declaring Japan and Thailand as enemy territories for purposes of Enemy Trading and Enemy Property Regulations. It is accordingly an offence under the said rules to carry on any commercial, financial or other intercourse or dealings with persons and concerns in these countries.

Commerce Department,
New Delhi, November 13th 1945.

EXTRAORDINARY.

Government of India.

DEFENCE DEPARTMENT.

New Delhi, the 2nd November 1945.

Notification.

No. 43-DC—45—In pursuance of sub-clause (*b*) of clause (2) of rule 2 of the Defence of India Rules, the Central Government is pleased to notify the areas specified in the first column of the schedule hereto annexed to be enemy territories for the purposes of the rules specified against them in the second column of the said schedule.

Schedule.

Area	*Rules of the Defence of India Rules.*
1. Japan	97, 98, 99, 103, 104, 110, 111, 114, and 114 A.
2, Thailand	do

D. I. R. MUIR,
Joint Secretary to the Government of India.

Government of India.

Department of Commerce.

Enemy Trading.

New Delhi, the 17th November 1945.

PERMIT.

No. 93 (29)-E.T. (A)—45 With reference to sub-rules (1) and (3) of rule 104 of the Defence of India Rules, the Centra Government is pleased to permit all persons to have commercial and financial dealings with the Enemy Firm of Mr. Rudolf Suschitzki, Bombay.

2. The Central Government is further pleased to direct that the trading activities of the said firm be confined to countries within the British Empire and the United States of America.

E. S. KRISHNAMOORTHY, *Dy. Secy.*

Dated 18th December 1945.

No. W. 1337—W. 78-45-2. In pursuance of sub-rule (2) of Rule 81 of the Defence of India Rules, in force in Mysore, the Government of His Highness the Maharaja are pleased to direct that the Cargoes and Claims (Information) Order, 1940, published with Government Notification No. P. 3042—Legis. 2-40-45, dated the 12th December 1940, shall be cancelled.

4071 V. VEDAVYASACHARYA, *Chief. Secy.*

GENERAL SECRETARIAT

Dated 17th December 1945.

No. S. R. 2423 L. W.—70-45-2. Under Section 12 (4) of the Mysore Labour Act, XIII of 1942, as amended from time to time the Government of His Highness the Maharaja of Mysore are pleased to publish for general information the undermentioned report of the Chief Conciliator in Mysore regarding the failure of the conciliatory proceedings in a dispute between the Labour Association and the Management of the Mysore Iron and Steel Works, Bhadravati on the question of reinstatement of Mr. P. M. Subramanyam, whose services were terminated by the Management.

4047 MAHOMED ISMAIL SHERIFF, *Genl. Secy.*

OFFICE OF THE CHIEF CONCILIATOR IN MYSORE, BANGALORE.

No. C. C. 3—45-46, *dated* 6*th December* 1945.

From

M. Navaneetham Naidu, Esq., B.A., B.L.,
Chief Conciliator in Mysore.

To

Mahomed Ismail Sheriff, Esq., B.A.,
General Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Sir,

I have the honour to make the following report, under Section 12 (4) of the Mysore Labour Act, relating to a dispute between the Mysore Iron and Steel Works Labourers' Association, Bhadravathi, and the Management of the concerned works, in regard to the demand made by this Association, asking for the reinstatement of Mr. P. N. Subramanyam, whose services were terminated with effect from 11th May 1945, by the Management, under Rule 11 (*a*) of the Standing Orders.

(2) The Secretary of this Labour Association gave a notice of Change on the 24th June 1945, to the General Manager of the Works, under section 10 (2) of the Act, setting forth the demand, thus :—

"Mr. P.N. Subramanyam, Foreman, Electric Furnace and Steel Foundry, Mysore Iron and Steel Works, Bhadravathi, is a member of our Association and he was also a candidate for the seat of the President at the election held recently. He was served with a memo on 10th May 1945, (Ref: No. 6923) signed by the General Manager, intimating him that his services are terminated. Neither has any reasonable cause been mentioned for the termination, nor have any allegations been made against him in the memo, as per Rule 5 (i) of the Essential Services (Emergency) Maintenance Act, an employer cannot discontinue the services of an employee without reasonable cause. Since the Essential Services (Emergency) Maintenance Act, applies to the Mysore Iron and Steel Works also, the action taken by the Management is not justifiable. Hence we feel this forms an Indudtrial Dispute between the Employer and the employee within the meaning of Section 3 (10) of the Mysore Labour Act, 1942. This Association therefore requests that Mr. P. N. Subramanyam may be reinstated in his usual post with retrospective effect from 11th May 1945."

(3) The General Manager of the Works replied to the Association Secretary, by a letter dated 4th July 1945, thus :—

".....His (Mr. Subramanyam's) services have been terminated with ample reasonable cause,—continual grumbling, indifference and irregularity in duty positive mis-conduct and undependability. The action is fully in accordance with the Essential Services (Maintenance Act, and there can be no industrial dispute or cause for notice of change; (*vide* Section X Clause 14 (b) para 2 of the Standing Orders). We regret that the question of his reinstatement, therefore does not arise."

(4) The Assistant Commissioner of Labour, Mysore Division, tried but could not bring about an agreement between the parties. Thereupon, the Commissioner of Labour, referred this case to this Office for initiating conciliation proceedings under section 10 (3) of the Act.

(5) The case was accordingly registered and intimations to the parties were issued. The hearing was first fixed for the 27th September 1945, at Bangalore, and the Association Secretary in his letter of 21st September 1945, acknowledged the intimation and stated that the Vice-President and the Secretary of the Association would attend the proceedings on that day at Bangalore. Subsequently *i.e.*, on the 22nd September 1945, the Vice-President sent a letter asking for a change of the date of hearing. A reply was sent that as the case had already been specially posted, it was not convenient to adjourn the hearing. On the date of hearing, (27th September) the General Manager of the Works was duly present, and no Representative of the Association appeared or

However, in view of the previous letters of the ing for an adjournment, he proceedings were taken up on another date, suitable to all the ase was then posted to the 1st December 1945 and intimations to the parties sent. I held ceedings on that day 1st December 1945. n was represented by its President, Mr. N. ed Secretary, Mr. S. Honniah. On behalf of nt, Mr. M. M. Ganapathi, Chief Welfare and on the Works, appeared with the connected

t Commissioner of Labour, Mysore Division, ttanna), was also present.

matter was fully discussed on both sides, with the relevant papers of the case. At the outset, f the case, as disclosed from the records may be thus.

ur-employee, Mr. P. N. Subramanyam, was a the Electric Furnace and Steel Foundry of the ay of Rs. 110 in grade of Rs. 100—5—150. His n terminated by the Management with effect May 1945, under Rule 11 (*a*) of the Standing memo of the General Manager, dated 10th May circumstances and grounds leading to the termi- services are set out by the General Manager and ed up as follows :—

Mr. Subramanyam) was often grousing against the regarding his seniority and increment question, reasons, though this question had been specially disposed of, and he was told about it. He that his seniority was overlooked and another t. Raja Gopala Iyengar) in the Section was pre- matter was examined in detail by the Works again by the Chief Welfare and Labour Officer, as to the relative qualifications, experience, of these two Foremen, and it was found by here was no justification for his grievance, as pala Iyengar was decidedly the better of the two. anyam was told that if he should work hard and terest, his chances of promotion would improve. egards his complaint that increment from 1st d been withheld, it was explained to him that withholding of increment and that a general determining increment had been followed in ith the re-organisation sanctioned with effect ly 1943, and if, there was any injustice in his tter would be reviewed at the time of next incre- 1945.

gh all this was explained to him more than once, on continually accusing the Works Manager of d grumbling. He was advised that his chances g improvement in his work and attitude and lf worthy for preferment. He did not heed and mbling without showing any sign of better appli- nge for improvement. On the other hand, he ly worse and indifferent and negligent in work.

e was a specific charge against him that on 6th he left his shift duty (2nd shift) and went to the private work (purchase of vegetables, etc.), without rmission. The Superintendent of the Foundry plained to the Works Manager of this, and added Subramanyam) had been previously warned by ave the Furnace spot while on duty. He denied nd there was a detailed enquiry into the matter, Works Manager, and later, by a Committee of ye-witnesses who had seen him in the Old Town P.M. on the 6th April were examined, and Mr. m was given a chance to confront them and to e them. He cross-examined the witnesses and d that they were lying and the complaint was nst him. He told the Committee that he was he Plant at about 8-15 P.M. when the first melt in the Electric Steel Furnace. The Committee was not true, because the Log Book showed that mple had been taken at 9-15 P.M. Finally, the found that the charge was proved and he was

equently, there was another charge against him, of taking from the Time Keeper, the attendance extract, sent to the Time Office, falsely informing him that he was authorised by the Superintendent to do so, and then he sent it with a remark added to the effect that the employee was present for 7/8 day. A full enquiry was made in this instance also, and the charge was proved, and he was found guilty. There was ample evidence against him, and yet, he affirmed his false denial and tried to explain away his tampering of the records.

(F) His conduct in these instances was reprehensible. It showed that he could not be entrusted with responsibility. The Works Manager, taking the full history of the case into consideration recommended that "in view of the several complaints received, some of a very serious nature, against this employee, it is most undesirable to continue him in the service of the Works and that his services may therefore be terminated after giving 15 days' notice."

(G) Though in the circumstances, he deserved dismissal for mis-conduct, yet taking a lenient view of the matter, the General Manager ordered that his services may be terminated after giving 15 days' salary in lieu of notice. His services were accordingly terminated with effect from 11th May 1945, as noted above.

(H) Thus his services have been terminated for ample reasonable causes, *viz.*, continual grumbling, indifference and irregularity in duty, positive mis-conduct and undependability. There has however been no punishment but only of service termination, which is in accordance with the Standing Order 11(*a*), and which is final (*vide* Standing Order 14(*b*) para 2). There is no cause for Notice of Change, and as such the present Notice is not in order.

(8) Coming to the Conciliation Proceedings, the Association President explained the demand and stated that the Notice of Change is in order and that the Management's termination of employment of Mr. Subramanyam is not just or proper, and that the reasons given by the Management are not satisfactory or convincing. He added that this employee is not guilty of any charges mentioned by the Management and there was no proper or full enquiry into the charges. He further urged that this is a case of victimisation, inasmuch as this employee had stood as a candidate for the election of the Association Presidentship and that his employment was terminated just at that time with a view to prevent him from becoming the President. For these reasons, he said, the employee should be reinstated.

(9) In reply, the Management representative (Mr. Ganapathy) explained with reference to the papers that it was not so and that there was only a case of termination of employment with fifteen days' pay in lieu of notice, under the Standing Order 11 (*a*), without any punishment, though there was a case for punishment by dismissal for misconduct on the several charges proved against him, after a detailed enquiry, as noted above. It is not correct to say that there was no proper enquiry. The employee (Mr. Subramanyam) was given every opportunity to explain his conduct on each occasion. Mr. Ganapathy referred to each of the charges, as noted above, and pointed out the evidence against him (Mr. Subramanyam), the opportunities given to him to explain his conduct, and the finding of the enquiry on each count, and how, in spite of warnings to him, there was no improvement; but more irresponsibility in duty. His tampering of the records in connection with the charge noted above, was of a serious nature and yet he has been spared a dismissal, and there was only a termination of his services, in order that he may seek employment elsewhere. The Management contend that there is no case for Notice of Change, in the circumstances.

(10) I examined the papers of the case with reference to the several points urged on each side. It is seen that the action of the Management is in accordance with the Standing Orders and that there has been proper enquiry into the charges against Mr. Subramanyam, and that every opportunity has been given to him for explaining the charges against him. He has been heard by the Management; and his explanation has been considered on each charge. He was found guilty of the charges, after due enquiry. In the circumstances, it cannot be said that the procedure adopted by the Management is not correct and is not in order and that the termination of his services is not in accordance with the Standing Orders. The question of his re-instatement could arise now, only if the Management are prepared to take him

The Management representative stated that the matter has been fully considered and the Management see no reason to accept the demand and reinstate the employee.

(12) Finally, after further discussion, the Association President pressed the demand. But, the Management representative regretted, the demand cannot be accepted.

(13) All possible ways of settlement were explored; but the parties did not come to a settlement in the matter. The proceedings thus ended in failure, which I hereby report.

(14) I request that this report may be published in the Gazette, as required under sub-section 4 of Section 12 of the Mysore Labour Act.

I have the honour to be,

Sir,

Your most obedient servant,

4047 NAVANEETHAM,

Chief Conciliator.

EDUCATION SECRETARIAT

Dated 17th December 1945.

No. M. 6252—G. M. 20-45-20. Whereas by the Notification of the Government of India in the Foreign Department No. 176, dated the 31st December 1875, the Indian Christian Marriage Act, 1872, was with certain modifications declared to apply to the territories of Mysore so far as regards marriages between persons one of whom is an Indian Christian subject of the Mysore State and neither of whom is a Christian British subject.

In exercise of the powers conferred by Sections 6 and 9, respectively, of the said Act, the Government of His Highness the Maharaja of Mysore are pleased (*a*) to grant license to the Pastor Frederick Trevor Marret, Bangalore, to solemnize marriages within the territories of Mysore and outside the limits of the Civil and Military Station, Bangalore, and (*b*) to license the said Pastor Frederick Trevor Marret to grant certificates of marriage within the said territories between Indian Christians.

4065

Dated 17th December 1945.

No M. 6268—P. H. 65-45-2. In exercise of the powers vested in them under sub-section (i) of Section 116 of the Mysore Public Health Act of 1944, Government hereby declare the cattle fair during the Jatra at Chunchanakatte covering an area of nearly ten square miles around the temple on the right bank of the Cauvery River, Krishnarajanagar Taluk to January 1946 to 20 h January 1946 as a period of one month from 1st January 1946.

4054 N. S. HIRANNAY

REVENUE SECRETARIAT

No. L. 4935—V. P. 9-45-32, dated 11th D

Whereas it appears to the Government of His Hig of Mysore that the undermen ioned lands situated in Chikmagalur Taluk, Kadur District, are needed for a wit, Village sites for Adikarnatakas, notice is that effec to all whom it may concern, in accordance with the pr 4 (1) of the Land Acquisition Act of 1894, as amended by t Amendment Act No. I of 1927, and the Government ha Deputy Commissioner, Kadur District and his subordina tion Officer to exercise the powers conferred by Sec Under Sub-Section (4) of Section 17 of the Land Acquisi as amended by Act No. I of 1927, the Government direct the urgency of the case, the provisions of Section 5-A of apply to the acquisition of lands noted below.

Kadur District, Chickmagalur Taluk, Kasaba Hobli,

Survey No. 1—4, Dasaraju in the Khata of Dasaraju bin anubhava of Dasaraju bin Dasaraju and bounded Survey No 1—2, South by Kaluve, East by West by Survey No. 2, the area required being at Re. 1-0-0.

Survey No. 1—3, Thirumalaraju in the Khata of Das anubhava of Thirumalaraju and bounded on the No. 1—2, South by Survey No Kaluve, East by and West by Survey No. 2, the area required assessed at Re. 1-0 0.

No. L. 4935—V. P. 9-45-31, dated 11th Dec

Under Section 6 of the Land Acquisition Act of 1894, as Land Acquisition Amendment Act I of 1927, the Gov Highness the Maharaja of Mysore declare that the lands the same a little more or less, are needed for a public Village site for Adikarnatakas at Karthikere and under of the same Act, the Assistant Commissioner in charge Sub-Division is appointed to perform the functions of missioner under the Act and directed to take orders for of the said lands Under sub-section (1) of Section Government further direct that the possession of the said taken in the expiry of fifteen days from the date of notice mentioned in Section 9 (1) of the Act. A plan of in the office of the Sub-Division Officer, Chickmaga inspected at any time during office hours.

Kadur District, Chickmagalur Taluk, Kasaba Hobli, Ka

Survey No. 1—4, Dasaraju in the Khata of Dasaraju bin Da anubhava of Dasaraju and bounded on the North by South by Kaluve, East by Survey No. 1—3 and West the area required being 32 guntas, assessed at Re 1

Survey No. 1—3, Thirumalaraju in the Khata of Thi Dasaraju and in the anubhava of Thirumalaraju and North by Survey No. 1—2, South by Kaluve, E No. 1—3 and West by Survey No. 2, the area required assessed at Re. 1-0-0.

3902 J. B. MALLARADHYA,